



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION II

JACOB K. JAVITS FEDERAL BUILDING
NEW YORK, NEW YORK 10278

JUN - 3 1991

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Borg-Warner Corporation
200 South Michigan Avenue
Chicago, IL 60604

Attention: James F. Beré
Chairman of the Board and Chief Executive Officer

Re: York Oil Site, Moira, New York
Request for Information Under
42 U.S.C. §9604(e) and 42 U.S.C. §6927

Dear Sir or Madam:

The United States Environmental Protection Agency ("EPA") is charged with responding to the release or threatened release of hazardous substances, pollutants and contaminants into the environment and with enforcement responsibilities under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended ("CERCLA"), 42 U.S.C. Section 9601, et seq.

In order to determine the need for a response to a release or threatened release of a hazardous substance, pollutant or contaminant, choose or take a response action, or otherwise enforce the provisions of CERCLA, EPA may, pursuant to Sections 104(e)(1) and 104(e)(2) of CERCLA, require parties to provide certain information. Specifically, EPA may require parties to provide information relating to the materials generated, treated, stored or disposed of at or transported to a facility, the nature and extent of a release or threatened release of a hazardous substance, pollutant or contaminant at or from a facility, and the ability of a person to pay for or perform a cleanup. Pursuant to these statutory provisions, we hereby require that you answer the questions posed in the attached Request for Information.

This Request for Information is specifically concerned with the York Oil Site ("York Oil Site" or "Site") located approximately one mile northwest of the Hamlet of Moira in Franklin County, New York.

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Your response to this Request for Information should be post-marked or received at EPA within twenty-one (21) calendar days of your receipt of this letter, and should be mailed to Mr. Arnold Bernas, Project Manager, Emergency and Remedial Response Division, U.S. Environmental Protection Agency, Region II, Room 2930, 26 Federal Plaza, New York, New York 10278, with a copy to Michael A. Mintzer, Assistant Regional Counsel, Office of Regional Counsel, U.S. Environmental Protection Agency, Room 437, Region II, 26 Federal Plaza, New York, New York 10278.

Your failure to respond to this Request for Information within the time specified above may subject you to an enforcement action under Section 104(e)(5) of CERCLA. Such enforcement action may include the assessment of substantial penalties of up to \$25,000.00 per day for each day of continued noncompliance.

Your notarized signature must appear on the enclosed Certification of Answers to Request for Information, which must be attached to the response to this information request.

Be advised that you are under a continuing obligation to supplement your response if information not known or not available to you as of the date of submission of your response should later become known or available to you. Moreover, should you find, at any time after the submission of your response, that any portion of the submitted information is incorrect, you are under an obligation to notify EPA thereof as soon as possible. If any part of your response is found to be untrue, you may be subject to criminal prosecution.

This Request for Information is not subject to the approval requirements of the Paperwork Reduction Act of 1980, 44 U.S.C., Section 3501 et seq. You may, if you so desire, assert a business confidentiality claim covering all or part of the information herein requested. The claim may be asserted by placing on (or attaching to) the information, at the time it is submitted, a cover sheet, stamped or typed legend, or other suitable form of notice employing language such as "trade secret" or "proprietary," or "company confidential". Information covered by such a claim will be disclosed by EPA only in accordance with and by means of procedures set forth in Section 104(e)(7) of CERCLA and 40 CFR Part 2, Subpart B. If no such claim accompanies the information when it is received by EPA, it may be made available to the public by EPA without further notice to you. You should read the above-cited statutory and regulatory provisions carefully before asserting a business confidentiality claim, since certain categories of information are not properly the subject of such a claim.

If you have any questions concerning this matter, please contact Mr. Mintzer at (212) 264-3348 or Mr. Bernas at (212) 264-7612. Thank you for your attention to this matter.

Sincerely yours,

William Mc Cabe

f Kathleen C. Callahan, Director
Emergency and Remedial Response Division

Attachment

cc: Donald Frankel, Esq.
Environmental Enforcement Section
US Dept of Justice
P.O. Box 7611
Ben Franklin Station
Washington, D.C. 20044

Jennifer Nijman, Esq.
Coffield Ungaretti Harris & Slavin
3500 Three 1st National Plaza
Chicago, IL 60602

Linda Aylward, Esq.
Borg-Warner Corporation
200 South Michigan avenue
Chicago, IL 60604

INSTRUCTIONS FOR RESPONDING TO REQUEST FOR INFORMATION

1. A complete response must be made to each individual question in this Request for Information. Identify each answer with the number of the question to which it is addressed.
2. In preparing your response to each question, consult with all present and former employees and agents of your company who you have reason to believe may be familiar with the matter to which the questions pertains.
3. In answering a question, identify all contributing sources of information.
4. If you are unable to answer a question in a detailed or complete manner or if you are unable to provide any of the information or documents requested, state the reason for your inability to do so. If you have reason to believe that there is an individual who may be able to provide more detail or documentation in response to any question, state that person's name and last known address and telephone number and the reasons for your belief.
5. For each document produced in response to this Request for Information, indicate on the document, or in some other reasonable manner, the number of the question to which it applies.
6. If there is anything deleted from a document produced in response to this Request for Information, state the reason for, and the subject matter of, the deletion.
7. If a document is requested but is not available, state the reason for its unavailability. In addition, to the best of your ability, identify any such document by author, date, subject matter, number of pages, and all recipients and their addresses.
8. If you cannot provide a precise answer to a question, please approximate, but in any such instance, state the reason for your inability to be more specific.
9. As used herein the term "person" shall have the meaning set forth in Sections 101(21) of CERCLA, 42 U.S.C. Section 9601(21). Whenever in this Request for Information there is a request to identify a natural person or an entity other than a natural person, state, inter alia, the person or entity's full name and present or last known address.
10. The terms "and" as well as "or" shall be construed either disjunctively or conjunctively as necessary to bring within the scope of these questions any information which might otherwise be construed to be outside of their scope.

11. As used herein, the term "hazardous substance" shall have the meaning set forth in Section 101(14) of CERCLA, 42 U.S.C. Section 9601(14). The substances which have been designated as hazardous substances pursuant to Section 102(a) of CERCLA (which in turn, comprise a portion of the substances that fall within the definition of "hazardous substance" under Section 101(14) of CERCLA) are set forth at 40 C.F.R. Part 302.

12. As used herein the terms "hazardous waste", "disposal" and "storage" shall have the meaning set forth in Sections 1004(5), (3) and (33) of RCRA, 42 U.S.C. Sections 6903(5), (3) and (33), respectively.

13. As used herein, the term "oil" refers to any substance, whether previously used or not, primarily derived from petroleum, including, but without limitation, fuel oils, motor oils, gear oils, cutting oils, machine oils, transformer oils, transmission fluids, hydraulic fluids, dielectric fluids, tars, lubricants or grease.

14. As used herein, the "applicable period" shall refer to the period from January 1, 1950 to December 31, 1970.

15. As used herein, the term the "Company" refers not only to Borg-Warner Corporation as it is currently named and constituted, but also to all predecessors in interest of Borg-Warner Corporation and its subsidiaries, divisions and branches.

16. As used herein, the term "York Oil Site" or "the Site" shall refer to a parcel or parcels of property located approximately one mile northwest of the Hamlet of Moira, Franklin County, New York.

17. All terms not defined herein shall have their ordinary meaning, unless such terms are defined in CERCLA or RCRA, in which case the statutory definitions shall apply.

18. FOR EACH OF THE FOLLOWING QUESTIONS (WHETHER OR NOT SPECIFICALLY REQUESTED IN SUCH QUESTION), FURNISH COPIES OF ALL DOCUMENTS OR RECORDS THAT PROVIDE, IN WHOLE OR IN PART, ANY INFORMATION THAT IS RESPONSIVE TO THE QUESTION.

REQUEST FOR INFORMATION
to
BORG-WARNER CORPORATION

1. Identify the state of incorporation and agents for service of process in the state of incorporation and New York State for the Company.
2. Identify each owner and operator of the Morse Chain facility in Ithaca, New York (the "Facility") during the applicable period (see definition of "applicable period" in the Instructions). If any such owner or operator included any person other than the Company, describe the terms and conditions by which the Company succeeded to or preceded such other owner or operator, provide copies of any documentation of transfer of title and/or rights to operate or occupy, and identify by current name and address each other owner or operator.
3. For the applicable period, describe in detail all processes at the Facility which generated waste oils and lubricants, including diagrams where useful to an understanding of the process. Include identification of each part of any process where oils may have contacted machine parts containing chromium, nickel, lead or cadmium.
4. For the applicable period, identify the principal components and volume per annum of each separate stream of waste oils and lubricants at the Facility.
5. For the applicable period, with respect to polychlorinated biphenyls ("PCB"s):
 - a. identify and describe each item, including electrical or other equipment which contained or may have contained PCBs and quantify the amount by volume of PCBs or PCB containing material in each such item;
 - b. identify each item removed from the facility which which contained or may have contained PCBs;
 - c. provide the name and last known address of any person (see definition of "person" in the Instructions) who may have been used to remove these materials from the Facility;
 - d. provide a copy of each document pertaining to the removal from the Facility of PCBs or any item which contained or may have contained PCBs.
6. Did Peirce Oil Company, York Oil Company, Inc., Peirce Oil Service, Peirce Brothers Oil Service, Kenneth Peirce Oil Service, or to the Company's knowledge or information and belief, any agents, employees, or affiliate thereof, remove waste oil, waste

lubricants or PCBs or material containing PCBs from the Facility during the applicable period. If the answer is yes, identify each such transaction and furnish a copy of each such document relating or referring to each such transaction. If the answer is no, identify each person who removed waste oil, waste lubricants and/or PCBs or material containing PCBs from the Facility during the applicable period.

7. Identify any analysis performed at any time during the applicable period or thereafter to and including the present date of the chemical content of waste oil generated at the Facility and provide copies of test results and any other documents relating or referring to such analysis.

CERTIFICATION OF ANSWERS TO REQUEST FOR INFORMATION

State of _____

County of _____

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document (response to EPA Request for Information) and all documents submitted herewith, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate, and complete, and that all documents submitted herewith are complete and authentic unless otherwise indicated. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.

NAME (print or type)_____
TITLE (print or type)_____
SIGNATURE

Sworn to me before this
day of _____, 1991

Notary Public